

**ENTERED**

February 05, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

KAYODE YAYA,

Plaintiff,

VS.

DRISCOLL CHILDREN'S HOSPITAL,

Defendant.

§§§§§

CIVIL ACTION NO. 2:24-CV-00205

## ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

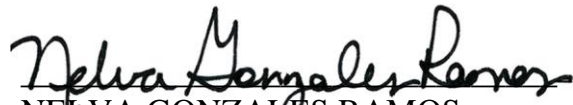
On January 8, 2025, United States Magistrate Judge Julie K. Hampton issued her “Memorandum and Recommendation” (D.E. 21) regarding Defendant’s Motion to Dismiss (D.E. 14) complaining of improper service and Plaintiff’s request for leave to amend his complaint, stated in his response (D.E. 15). The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s memorandum and recommendation. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

When no timely objection to a magistrate judge's memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge's memorandum and recommendation. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's memorandum and recommendation (D.E. 21), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, Driscoll's motion to dismiss (D.E. 14) is **DENIED**, Yaya's previous service attempt is **QUASHED**, and Yaya is **GRANTED** 30 additional days from the date of this Order to complete service in accordance with Rule 4.

Yaya's request for leave to file an amended complaint (D.E. 15) is **GRANTED** and the Court **INSTRUCTS** the Clerk of Court to file his amended complaint (D.E. 23-1) as an independent document on the docket of this case. Any issues regarding service of summons presented in Plaintiff's accompanying Motion for Issuance of New Summons and Service of Process (D.E. 23), incorrectly docketed as a corrected and amended complaint, remain referred to the Magistrate Judge for decision in the first instance.

**ORDERED** on February 5, 2025.

  
NELVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE